

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JOSEPH BIASI, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

WAL-MART STORES EAST, LP.,
EARLENE SCHAEFFER, RYAN DUNPHY,
and REBECCA PAUKSTELA

Defendants.

Civil Action No.: 6:15-cv-00454-GTS-ATB

DECLARATION OF SAMI ASAAD

I, Sami Asaad, declare as follows:

1. I am duly licensed to practice law in the State of New York, and admitted to practice before the United States District Court for the Northern District of New York.

2. I am an attorney with the law firm of McCarter & English, LLP, counsel to the defendants in this action, and I submit this Declaration in support of defendant Wal-Mart Stores East, LP's Motion of Summary Judgment as to Plaintiff's Second Cause of Action.

3. Attached as Exhibit A is a true and accurate copy of excerpts of Plaintiff Joseph Biasi's deposition transcript

4. Attached as Exhibit B is a true and accurate copy of Exhibit 10 to the Deposition of Joseph Biasi.

5. Attached as Exhibit C is a true and accurate copy of Exhibit 9 to the Deposition of Joseph Biasi.


6. Attached as Exhibit D is a true and accurate copy of excerpts of the New York State Department of Labor's 2014 Labor Standards' Field Investigator's Manual.

7. Attached as Exhibit E is a true and accurate copy of the N.Y. STATE DEP'T OF LABOR, GUIDANCE FOR THE NEW YORK STATE HOSPITALITY INDUSTRY ON UNIFORMS (2013).

8. Attached as Exhibit F is a true and accurate copy of Plaintiff's unfiled Third Amended Complaint.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 15th day of August 2016.



Sami Asaad